



General Assembly

Substitute Bill No. 6567

January Session, 2003

***AN ACT CONCERNING THE AGE OF A CHILD FOR PURPOSES OF
JURISDICTION IN JUVENILE MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows:

5 (1) "Child" means (A) before October 1, 2006, any person under
6 sixteen years of age, [and, for purposes of delinquency matters, "child"]
7 (B) on and after October 1, 2006, and before October 1, 2007, any
8 person under seventeen years of age, and (C) on and after October 1,
9 2007, any person under eighteen years of age;

10 (2) "Delinquent child" means any [person (A) under sixteen years of
11 age, or (B) sixteen years of age or older who, prior to attaining sixteen
12 years of age,] child who has violated any federal or state law or
13 municipal or local ordinance, other than [an ordinance regulating
14 behavior of a child in a family with service needs, and, subsequent to
15 attaining sixteen years of age, violates] a motor vehicle infraction, or
16 has violated any order of the Superior Court or any condition of
17 probation ordered by the Superior Court with respect to [such] a
18 delinquency proceeding;

19 [(2) "youth"] (3) "Youth" means any person sixteen or seventeen

20 years of age;

21 [(3) "youth in crisis"] (4) "Youth in crisis" means any youth who [,
22 within the last two years,] (A) has without just cause run away from
23 the parental home or other properly authorized and lawful place of
24 abode, (B) is defiant, rebellious and beyond the control of his or her
25 parent or parents, guardian or other custodian, or (C) [has four
26 unexcused absences from school in any one month or ten unexcused
27 absences in any school year] is a truant or habitual truant or, while in
28 school, has been continuously and overtly defiant of school rules and
29 regulations;

30 [(4) "abused"] (5) "Abused" means that a child or youth (A) has been
31 inflicted with physical injury or injuries other than by accidental
32 means, or (B) has injuries that are at variance with the history given of
33 them, or (C) is in a condition that is the result of maltreatment such as,
34 but not limited to, malnutrition, sexual molestation or exploitation,
35 deprivation of necessities, emotional maltreatment or cruel
36 punishment;

37 [(5) a] (6) A child may be found "mentally deficient" who, by reason
38 of a deficiency of intelligence that has existed from birth or from early
39 age, requires, or will require, for [his] such child's protection or for the
40 protection of others, special care, supervision and control;

41 [(6) a] (7) A child may be convicted as "delinquent" who has
42 violated (A) any federal or state law or municipal or local ordinance,
43 other than [an ordinance regulating behavior of a child in a family
44 with service needs] a motor vehicle infraction, (B) any order of the
45 Superior Court, or (C) conditions of probation as ordered by the court;

46 [(7) a] (8) A child or youth may be found "dependent" whose home
47 is a suitable one for the child or youth, save for the financial inability of
48 parents, parent, guardian or other person maintaining such home, to
49 provide the specialized care the condition of the child or youth
50 requires;

51 [(8) "family with service needs"] (9) "Family with service needs"
52 means a family that includes a child who (A) has without just cause
53 run away from the parental home or other properly authorized and
54 lawful place of abode, (B) is defiant, rebellious and beyond the control
55 of his or her parent [,] or parents, guardian or other custodian, [(C) has
56 engaged in indecent or immoral conduct, (D)] or (C) is a truant or
57 habitual truant or, [who,] while in school, has been continuously and
58 overtly defiant of school rules and regulations; [, or (E) is thirteen years
59 of age or older and has engaged in sexual intercourse with another
60 person and such other person is thirteen years of age or older and not
61 more than two years older or younger than such child;]

62 [(9) a] (10) A child or youth may be found "neglected" who (A) has
63 been abandoned, or (B) is being denied proper care and attention,
64 physically, educationally, emotionally or morally, or (C) is being
65 permitted to live under conditions, circumstances or associations
66 injurious to the well-being of the child or youth, or (D) has been
67 abused;

68 [(10) a] (11) A child or youth may be found "uncared for" who is
69 homeless or whose home cannot provide the specialized care that the
70 physical, emotional or mental condition of the child requires. For the
71 purposes of this section, the treatment of any child by an accredited
72 Christian Science practitioner in lieu of treatment by a licensed
73 practitioner of the healing arts, shall not of itself constitute neglect or
74 maltreatment;

75 [(11) "delinquent act"] (12) "Delinquent act" means the violation of
76 any federal or state law or municipal or local ordinance, other than [an
77 ordinance regulating the behavior of a child in a family with service
78 needs] a motor vehicle infraction, or the violation of any order of the
79 Superior Court;

80 [(12) "serious juvenile offense"] (13) "Serious juvenile offense" means
81 (A) the violation, [by a child,] including attempt or conspiracy to
82 violate, [sections] by a child of section 21a-277, 21a-278, 29-33, 29-34,

83 29-35, 53-21, 53-80a, 53-202b [,] or 53-202c, sections 53-390 to 53-392,
84 inclusive, 53a-54a to 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, or
85 53a-70 to 53a-71, inclusive, section 53a-72b [,] or 53a-86, sections 53a-92
86 to 53a-94a, inclusive, section 53a-95, 53a-101, 53a-102a [,] or 53a-103a,
87 sections 53a-111 to 53a-113, inclusive, subdivision (1) of subsection (a)
88 of section 53a-122, subdivision (3) of subsection (a) of section 53a-123,
89 section 53a-134, 53a-135, 53a-136a, 53a-166 [,] or 53a-167c, subsection
90 (a) of section 53a-174 [,] or section 53a-196a, 53a-211, 53a-212, 53a-216
91 or 53a-217b, or (B) running away, without just cause, from any secure
92 placement other than home while referred as a delinquent child to the
93 Court Support Services Division or committed as a delinquent child to
94 the Commissioner of Children and Families for a serious juvenile
95 offense;

96 [(13) "serious juvenile offender"] (14) "Serious juvenile offender"
97 means any child convicted as delinquent for commission of a serious
98 juvenile offense;

99 [(14) "serious juvenile repeat offender"] (15) "Serious juvenile repeat
100 offender" means any child charged with the commission of any felony
101 if such child has previously been convicted delinquent at any age for
102 two violations of any provision of title 21a, 29, 53 or 53a that is
103 designated as a felony;

104 [(15) "alcohol-dependent child"] (16) "Alcohol-dependent child"
105 means any child who has a psychoactive substance dependence on
106 alcohol as that condition is defined in the most recent edition of the
107 American Psychiatric Association's "Diagnostic and Statistical Manual
108 of Mental Disorders";

109 [and (16) "drug-dependent child"] (17) "Drug-dependent child"
110 means any child who has a psychoactive substance dependence on
111 drugs as that condition is defined in the most recent edition of the
112 American Psychiatric Association's "Diagnostic and Statistical Manual
113 of Mental Disorders", [. No] provided no child shall be classified as
114 drug dependent who is dependent (A) upon a morphine-type

115 substance as an incident to current medical treatment of a
 116 demonstrable physical disorder other than drug dependence, or (B)
 117 upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or
 118 other stimulant and depressant substances as an incident to current
 119 medical treatment of a demonstrable physical or psychological
 120 disorder, or both, other than drug dependence; and

121 (18) "Run away" means to leave the parental home or other properly
 122 authorized and lawful place of abode for at least twenty-four hours
 123 without just cause.

124 Sec. 2. (*Effective from passage*) The Chief Court Administrator, the
 125 Commissioner of Children and Families, the Commissioner of
 126 Correction, the Chief State's Attorney, the Chief Public Defender and the
 127 Child Advocate, or their designees, shall form an implementation team
 128 that shall review all matters necessary to implement the increase in the
 129 age limit for purposes of jurisdiction in juvenile matters, as provided in
 130 subdivision (1) of section 46b-120 of the general statutes, as amended by
 131 this act, by the dates specified in said subdivision. Not later than January
 132 15, 2004, the implementation team shall submit a report concerning the
 133 progress made, the matters remaining to be accomplished, any
 134 impediments and any recommendations with respect to such
 135 implementation to the joint standing committee of the General Assembly
 136 having cognizance of matters relating to the judiciary and the select
 137 committee of the General Assembly having cognizance of matters
 138 relating to children. The report required by this section shall be
 139 submitted in accordance with section 11-4a of the general statutes.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>from passage</i>

JUD *Joint Favorable Subst.*

APP *Joint Favorable*